

**Chin, Vivian**

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**From:** Haklar, James  
**Sent:** Monday, June 30, 2014 8:46 AM  
**To:** 'Rodger Ferguson'  
**Cc:** Fred Daibes; Matt Vereb ; 'Schick, Kevin'; Chin, Vivian; Finnegan, Ann  
**Subject:** Edgewater SIP Comments  
**Attachments:** Alcoa Comment Transmittal.PDF

Rodger,

Please be advised that the attached comments were mailed to you on Friday. Also, please note that this message serves as the courtesy copy for Fred Daibes, Matt Vereb and Kevin Schick.

Sincerely yours,

Jim Haklar

James S. Haklar, Ph.D.  
Sr. PCB Disposal Specialist  
Division of Enforcement and Compliance Assistance

(732) 906-6817





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II  
EDISON, NEW JERSEY 08837

JUN 27 2014

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Article Number: 70010320000477888070

Mr. Rodger A. Ferguson, Jr., CHMM, LSRP  
President  
Pennjersey Environmental Consulting  
326 Willow Grove Road  
Stewartsville, New Jersey 08886-3102

**Re: Former Alcoa Building 12 Property, Edgewater, New Jersey**

Dear Mr. Ferguson:

This is in response to your May 30, 2014 correspondence transmitting the document entitled "Self Implemented Disposal Plan" (SIDP) for the former Alcoa Building 12 property located at 660 River Road in Edgewater, New Jersey (the Site). Please be advised that the United States Environmental Protection Agency (EPA) has reviewed the SIDP and comments pertaining to the document are enclosed.

EPA is concerned that cleanup activities occurred on the Site without prior Agency approval and that redevelopment of the Site continued after discovery of the polychlorinated biphenyl (PCB) contamination. EPA may ultimately determine that remediation is required in those redeveloped areas and as such the redevelopment proceeds at risk.

Based on EPA's review the Agency cannot, at this time, issue an approval for the cleanup and disposal of material contaminated with PCBs. However, EPA will reevaluate its position upon receipt of a written response to the aforementioned comments.

Should you have any questions concerning this matter, please contact James S. Haklar at (732) 906-6817 or at [haklar.james@epa.gov](mailto:haklar.james@epa.gov).

Sincerely yours,

A handwritten signature in cursive script, appearing to read "James S. Haklar for".

John Gorman, Chief  
Pesticides and Toxic Substances Branch

Enclosure

cc: Fred Daibes, 38 COAH Associates, LLC  
Matthew Vereb, 38 COAH Associates, LLC  
Kevin Schick, New Jersey Department of Environmental Protection

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**Comments Regarding the May 23, 2014 Self Implemented Disposal Plan (SIDP)  
For Former Alcoa Building 12  
660 River Road, Edgewater, New Jersey**

***General Comments***

**Submission of the Notification:** Please clarify whether the SIDP was provided to the New Jersey Department of Environmental Protection and the local environmental protection agency (such as the Bergen County Department of Health Services). Notification of state and local environmental agencies is required per 40 CFR 761.61(a)(3)(i).

**Scope of the SIDP:** The SIDP discusses a number of remedial activities and it is difficult to understand what activities the site owner is seeking approval for. While the Executive Summary indicates that approval is being requested for the off-site disposal of polychlorinated biphenyl (PCB) contaminated material, there are other activities identified in the SIDP (such as implementation of an interim remedial measure, future characterization sampling, and development of a risk-based PCB cleanup and disposal application) for which it appears that approval is indirectly being sought. Please provide clarification with regard to the remedial activities for which the site owner is requesting EPA approval at this time. Please be aware that, with the exception of characterization sampling, EPA does not issue "after-the-fact" approvals for remedial actions that have already occurred.

**Cleanup Level(s):** Please provide the PCB cleanup levels that were used to drive the recent remedial activities (i.e., the excavations and scarification of concrete).

**The Figures:** The first two figures in the SIDP respectively provide the site location and an overall depiction of the site. However, the remaining figures represent close-up views of specific locations and it is difficult to determine where specific activities occurred on the site. Please provide information that will resolve this situation, including a figure that shows the current (post-excavation and scarification) levels of PCBs throughout the site.

**Sample Analysis Dates:** Please provide the sample analysis dates for all of the results that are presented in the SIDP. Submission of this information is required per 40 CFR 761.61(a)(3)(i)(B).

**The Project Schedule:** As explained in Section 3.1 of the SIDP (Site History), the text of this section states that the site is being redeveloped as a spa and that construction of a building for that purpose has commenced. Redevelopment of the site prior to resolution of the PCB contamination issues is a concern for the United States Environmental Protection Agency (EPA), since EPA may ultimately determine that remediation is required in those redeveloped areas. Therefore, the milestones of the project schedule should be represented solely in terms of duration (based on EPA's approval of the site owner's cleanup plan(s)) and not as specific dates.

Furthermore, please be advised that the site owner will be proceeding at risk if redevelopment proceeds without resolution of the PCB contamination issues.

***Specific Comments:***

**Section 2.1 – Location and Site Characteristics:**

- Since the text on Page 2 states that Building 12 has been demolished, please provide the analytical results of all PCB sampling as well as the disposal information for this material.

**Section 3.1 – Site History:**

- Please see EPA's comment above regarding the project schedule.

**Section 3.3 – Prior Environmental Investigations:**

- The second paragraph on Page 7 discusses the initial remedial action for demolition of Building 12, and the work apparently was limited to removal of the concrete floor. Please explain if EPA was notified prior to commencement of this work, and please verify EPA's understanding that only the walls of Building 12 remained once this phase of the cleanup was completed.
- The third paragraph on Page 7 states that certain areas of exterior walls on the West Lot became unstable and fell. Please identify the building that the text is referring to. This material was apparently stored on a tarp inside Building 12, sampled and disposed off-site. Please also provide the analytical results of all PCB sampling of this material as well as the disposal information.
- The text on the bottom of Page 7 and the top of Page 8 discusses the termination of the Deed Notice for Building 12. Please explain if EPA was notified of this action.

**Section 3.4.2.1 – October 2013 Underground Storage Tank (UST) Closure:**

- The text on Page 9 refers to oil "that had been inadvertently removed from the site." Please explain the circumstances of this occurrence (e.g., the amount of oil, where the oil was transported, etc.).
- Since the text states that the USTs were cut up and disposed off-site as scrap, please describe the decontamination procedures that were implemented prior to the off-site disposal.

#### **Section 3.4.2.2 – November 2013 Soil Excavation:**

- The text of the second paragraph on Page 10 refers to the discovery of a “massive former concrete foundation structure.” Please provide the physical dimensions and the condition of this structure.
- The text in the second paragraph on Page 10 also refers to soils being placed against a sidewall to shore up an excavation area. Please describe the source of the soils (and their PCB concentrations) that were used for this purpose.
- This section of the SIDP discusses the rejection of post-excavation sample results during the data validation process. The reason provided for the data rejection is that the results “were found to be outside of acceptable quality control standards.” Since we do not fully understand the rationale for the data rejection, please provide a list of the quality control standards with the respective exceedances.

#### **Section 3.4.2.3 – February 2014 Soil Excavation:**

- The text at the top of Page 11 states that a large portion of the UST excavation had been backfilled but needed to be re-excavated. Please provide the source of the backfill as well as the results of all PCB sampling of this material.
- The second paragraph on Page 11 discusses the discovery of two sets of product supply/return lines, and states that further investigation of the piping was deferred pending completion of on-site activities. Please provide the current status of this piping, as we believe it could re-contaminate areas previously excavated.
- The fourth paragraph on Page 11 discusses the release of water (previously in contact with an oily product) through a repaired drain line. Please provide the PCB sampling results of the water prior to discharge and please describe the discharge point for the drain line.
- The text of this section also discusses the scarification of the subsurface structure. We do not know if the sample results presented in Figure 9 represent the post-scarification PCB sampling results. Please clarify this ambiguity and please provide these sampling results if they are not presented in the SIDP.

#### **Section 3.4.2.4 – March 2014 Soil Excavation & Concrete Foundation Remediation:**

- Please provide the PCB cleanup level that was used for remediation of the concrete.

#### **Section 3.4.2.5 – May 2014 Soil Excavation:**

- Please clarify the statement, presented in the last paragraph on Page 13, that “the concrete was cleaned as much as possible.” As requested above, please provide the PCB cleanup level that was used for the remediation of the concrete.
- The text in the last paragraph on Page 13 also refers to soil removal down to bedrock. Please provide the post excavation sampling results that show the level of PCBs remaining in the bedrock. Furthermore, please explain whether any oil or other product was observed at the top of the bedrock.
- Please resolve the typographical error present at the bottom of Page 13 as “Error! Reference source not found.”

#### **Section 3.4.4 – Disposal Characterization Sampling:**

- Under the Toxic Substances Control Act, PCB-contaminated material that is regulated for disposal must be disposed based on the in-situ, or as-found, concentrations. Material cannot be disposed based on the sampling of stockpiled material, since the process of excavation and stockpiling could dilute the PCB concentrations.

#### **Section 3.4.5.1 – Soil Delineation:**

- While we understand that the first Area of Concern (AOC-1) pertains to the two 20,000-gallon USTs, we are unclear as to the location and extent of AOC-2. Therefore, please provide a figure depicting the proposed soil delineation activities.
- The text explains that further soil investigations will be conducted as needed. Please explain the circumstances that would require additional soil investigations.

#### **Section 3.4.5.2 – Groundwater**

- Please clarify whether low-flow sampling procedures will be used to collect groundwater samples. Additionally, please note that per 40 CFR 761.79(b)(1)(iii), the decontamination level for unrestricted use of water is 0.5 parts per billion.
- The text explains that additional investigation activities will be recommended as warranted. Please explain the circumstances that would require additional investigations.

### **Section 3.5 – Proposed Risk Assessment:**

- This section of the SIDP appears to be written with the assumption that EPA will approve a risk-based cleanup approach for the site. Please be aware that EPA's approval of a risk-based cleanup is not a forgone conclusion. If PCBs remain on the site above the self-implementing levels of 40 CFR 761.61(a), then it must be clearly demonstrated, through submission of an application under 40 CFR 761.61(c), that the remaining PCBs do not present an unreasonable risk to human health or the environment.

### **Section 3.6.1 – Interim Remedial Measure (IRM):**

- Please provide a figure showing the location of the IRM and please explain if the intention is to incorporate the IRM into a final remedy.
- If the IRM is to be eventually removed then please describe how the material will be disposed.
- Please also provide documentation that the crushed stone is from a virgin source.
- Please note that, as stated above, EPA does not approve remedial actions that have already been implemented.

### **Section 3.6.2 – Waste Disposal:**

- As explained above, the disposal (or reuse) of PCB contaminated material must be determined based on the in-situ, or as-found, sampling results. If this type of sampling was not performed, then all of the stockpiles must be disposed either: in accordance with 40 CFR 761.61(b); or under a self-implementing approval issued by EPA under 40 CFR 761.61(a) with the assumption that all of the stockpiles contain PCBs at levels equal to or greater than 50 parts per million.

### **Section 3.6.3 – Engineering Controls and Section 3.6.4 – Institutional Controls:**

- Since the final cleanup levels for the site have not been proposed, EPA cannot approve the activities described in these sections.

